

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KB INSURANCE CO., LTD. (U.S.
BRANCH), f/k/a LEADING
INSURANCE GROUP INSURANCE
COMPANY, LTD. (U.S. BRANCH),

MEMORANDUM AND ORDER

Case No. 16-CV-2675-FB-SMG

Plaintiff,

-against-

BUFFALO IMAGING, INC., and
CRS INTERNATIONAL NEW YORK,
INC.,

Defendants.

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BLOCK, Senior District Judge:

On September 12, 2017, Magistrate Judge Gold issued a Report and Recommendation (“R&R”) recommending that a default judgment be entered declaring that the plaintiff is not obligated to defend or indemnify the defendants in connection with a personal-injury action filed against them in New York state court. The R&R advised that objections were due by September 26, 2017, and warned that “[f]ailure to file timely objections may waive the right to appeal the District Court’s order.” R&R 5. The R&R was filed the same day and sent by certified and overnight mail to the defendants’ last known address on September 19, 2017. To date, no objections have been filed.

Where clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court, however, will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R. Therefore, the Court adopts it without *de novo* review. The Clerk shall enter a default judgment declaring that the plaintiff is not obligated to defend or indemnify the defendants in connection with *Kippings v. CRS International New York, Inc.*, Case No. 005540/08 (N.Y. Sup. Ct., Queens Cty.).

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
January 9, 2018